

Remarks

Claims 44-64 are currently pending in the Application.

Summary of claim amendments

This response amends Claims 52, 57 and 59 to clarify the language of the claims.

This response cancels Claims 54-56 without prejudice.

New Claims

This response adds new claims 65-67 to more completely claim the invention. Support for the new Claims 65-67 can be found, for example, on p. 7, ll. 26-27 of the specification.

No excess claim fees are due with this response for the newly added Claims 65-67 in view of the canceled Claims 54-56.

35 U.S.C. §112, second paragraph, rejection

Claims 52-54 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant submits that Claim 52 has been amended and Claim 54 has been canceled without prejudice. Applicant requests that the rejection be withdrawn.

35 U.S.C. §103(a) rejection

Claims 44-47, 50 and 52-53 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Probst (U.S. Patent No. 5,982,899) and further in view of Selitrennikoff (U.S. Patent No. 6,209,089).

Applicant submits that the Examiner has not established a prima facie case of obviousness for the claims rejected under 35 U.S.C. §103(a) because the Examiner has

failed to show that Probst and Selitrennikoff teach each and every element as claimed in the present application.

Claim 44

A. Applicant submits that the Examiner has not shown that Probst and Selitrennikoff disclose, suggest or teach, *inter alia*, the following features recited by Claim 44 of the present application:

“the trusted device comparing the actual module configuration against the stored module configuration” (emphasis added)

The Examiner asserts that the “stored module configuration” as recited in Claim 44 is disclosed by Probst’s encrypted configuration data (p. 4, section 2, ll. 4-5 of the Office Action). The Examiner further asserts that the “actual module configuration” as recited in Claim 44 is disclosed by Probst’s actual configuration data. Applicant respectfully traverses the Examiner’s assertion.

According to Probst, Probst’s processor 31 compares the encrypted configuration data and the actual configuration data (c. 7, ll. 36-39 of Probst). Contrary to Probst, “trusted device” of Claim 44 compares “the actual module configuration against the stored module configuration.” According to the present specification, for example, the trusted device is tamper-resistant or tamper-detecting (p. 7, ll. 26-27 of the specification). Contrary to the “trusted device” of Claim 44, Probst does not teach, disclose or suggest that the processor 31 is tamper-resistant or tamper-detecting. Why does the Examiner assert that Probst discloses “trusted device” as recited in Claim 44 when Probst’s processor 31 is **not** tamper-resistant or tamper-detecting?

Furthermore, the “trusted device” of Claim 44 is “adapted to respond to a user in a trusted manner.” Where does Probst teach, disclose or suggest that the processor 31 is “adapted to respond to a user in a trusted manner” as recited in Claim 44? Applicant submits that Probst does not disclose that the processor 31 is able to respond to a user in a trusted manner. If the Examiner does not agree, Applicant respectfully requests that the

Examiner comply with 37 C.F.R. §1.104(c)(2) and “designate as nearly as practicable” where Probst discloses that the processor 31 is “adapted to respond to a user in a trusted manner” as recited in Claim 44.

Because Probst’s processor 31 is **not** tamper-resistant or tamper-detecting, and is not adapted to respond to a user in a trusted manner,” Probst does not teach, disclose or suggest the “trusted device” as recited in Claim 44. Hence, Claim 44 is patentable over Probst and the Examiner’s rejection should be withdrawn.

B. Applicant submits that the Examiner has not shown that Probst and Selitrennikoff disclose, suggest or teach, *inter alia*, the following features recited by Claim 44 of the present application:

“the trusted device comparing the actual module configuration against the stored module configuration; the trusted device inhibiting function of the computer apparatus while the actual module configuration does not satisfactorily match the stored module configuration” (emphasis added)

Although the Examiner asserts that Probst inhibits function of the computer (p. 4, ll. 15-17 of the Office Action), the Examiner fails to comply with 37 C.F.R. §1.104(c)(2) by not designating “as nearly as practicable” which of Probst’s components actually inhibits function of the computer.

According to Claim 44, the “trusted device” compares “the actual module configuration against the stored module configuration” and inhibits “function of the computer apparatus.” As shown above, Probst’s processor 31 compares the encrypted configuration data and the actual configuration data (c. 7, ll. 36-39 of Probst). If the Examiner insists that Probst’s processor 31 discloses the “trusted device” as recited in Claim 44 even though Probst’s processor 31 is not tamper-resistant or tamper-detecting, Applicant respectfully requests that the Examiner comply with 37 C.F.R. §1.104(c)(2) and “designate as nearly as practicable” where Probst discloses that the processor 31 inhibits the function of the computer.

According to Probst, the computer system is either shut down or booting procedure is interrupted when comparison performed by the processor 31 reveals a mismatch (c.7, ll. 49-60 of Probst). However, Probst does not teach, disclose or suggest that the processor 31 inhibits “function of the computer apparatus” as recited in Claim 44.

Because Probst’s processor 31 is not tamper-resistant or tamper-detecting, and does not inhibit “function of the computer apparatus” as recited in Claim 44, Claim 44 is patentable over Probst and should be allowed by the Examiner. If the Examiner disagrees, the Examiner is encouraged to comply with 37 C.F.R. §1.104(c)(2) and “designate as nearly as practicable” where Probst discloses a device that compares “the actual module configuration against the stored module configuration,” that is tamper-resistant or tamper-detecting, and that inhibits the function of the computer.

C. Applicant submits that the Examiner has not shown that Probst and Selitrennikoff disclose, suggest or teach, *inter alia*, the following features recited by Claim 44 of the present application:

“the trusted device performing a cryptographic identification process for modules with a cryptographic identity to identify them and thereby determine an actual module configuration” (emphasis added)

The Examiner concedes that Probst does not disclose “performing a cryptographic identification process for modules with a cryptographic identity” to “determine an actual module configuration” as recited in Claim 44. The Examiner alleges that the concept of cryptographic identification process with a cryptographic identity is performed by Probst steps 7-11 when determining the stored module configuration (p. 4, ll. 9-11 of the Office Action), and the Examiner alleges that this concept can be implemented for determining actual module configuration (p. 4, ll. 11-13 of the Office Action). Applicant respectfully disagree with the Examiner’s allegation.

According to Probst’s steps 7-11, Probst obtains encoded data from an EPROM, decrypts it with a public key and decodes it with an identifier (c. 5, ll. 40-50 of Probst). How does the Examiner expect one skilled in the art to perform these steps on the actual configuration data when the actual configuration data **is stored in unencrypted form** (c. 7, ll. 37-39 of Probst). Why would one skilled in the art try to decrypt data that is not encrypted?

Applicant submits that Probst teaches away from “performing a cryptographic identification process for modules with a cryptographic identity” to “determine an actual module configuration” as recited in Claim 44, because Probst specifically teaches that the actual configuration data **is stored in unencrypted form** and therefore would not require decryption as performed by steps 7-11. Because Probst teaches away from “performing a cryptographic identification process for modules with a cryptographic identity” to “determine an actual module configuration” as recited in Claim 44, Claim 44 is patentable over Probst and should be allowed by the Examiner.

Claims 45-47 and 50

Claims 45-47 and 50, at least based on their dependency on Claim 44, are also patentable over Probst and Selitrennikoff.

Claim 52

Applicant submits that, for the reasons stated above for Claim 44, Probst and

Selitrechnikoff do not teach, disclose or suggest “a **trusted device adapted to respond** to a user in a trusted manner,” “**trusted device is adapted to compare** a module configuration of the computer apparatus against a stored module configuration,” and “the trusted device ... performing a cryptographic identification process for modules with a cryptographic identity to determine an actual module configuration” (emphasis added) as recited in Claim 52. Hence, Claim 52 is patentable over Probst and Selitrechnikoff and the Examiner’s rejection should be withdrawn. Claim 53, at least based on its dependency on Claim 52, is also patentable over Probst and Selitrechnikoff.

35 U.S.C. §103(a) rejection

Claims 48-49 and 54-63 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Probst, Selitrechnikoff and further in view of Herzi (U.S. Patent No. 6,353,885).

Claims 48-49

Applicant submits that Claims 48-49, at least based on their dependency on Claim 44, are believed to be patentable over Probst, Selitrechnikoff and Herzi, because there is no prima facie 35 USC 103(a) case based on Probst and Selitrechnikoff, as shown above, and because the Examiner has not shown where Herzi discloses, teaches or suggests the features not found in Probst and Selitrechnikoff.

Claim 54

Claims 54-56 have been canceled without prejudice.

Claim 57

Applicant submits that, at least for the reasons stated above for Claim 44, Probst, Selitrechnikoff and Herzi do not teach, disclose or suggest “wherein the computer apparatus contains or is in communication with a **trusted device adapted to respond** to a user in a trusted manner and the **trusted device is adapted to perform the step of inhibiting function of the computer apparatus** if the actual module configuration does not satisfactorily match the stored module configuration” (emphasis added) as recited in amended Claim 57. Hence, Claim 57 is patentable over Probst, Selitrechnikoff and Herzi

and the Examiner's rejection should be withdrawn. Claims 58-63, at least based on their dependency on Claim 57, is also patentable over Probst, Selitrennikoff and Herzi.

35 U.S.C. §103(a) rejection

Claims 51 and 64 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Probst, Selitrennikoff, Herzi and further in view of Muftic (U.S. Patent No. 5,943,423).

Applicant submits that Claims 51 and 64, at least based on their dependency on Claims 44 and 57, respectively, are believed to be patentable over Probst, Selitrennikoff, Herzi and Muftic, because there is no prima facie 35 USC 103(a) case based on Probst and Selitrennikoff, as shown above, and because the Examiner has not shown where Muftic discloses, teaches or suggests the features not found in Probst and Selitrennikoff.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on

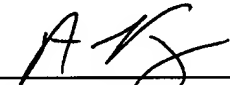
August 14, 2007
(Date of Deposit)

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